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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

|                           |   |                               |
|---------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA, | ) | No. CR 09-0080 DLJ            |
|                           | ) |                               |
| Plaintiff,                | ) |                               |
|                           | ) | STIPULATION AND ORDER SETTING |
| v.                        | ) | DATES AND DOCUMENTING         |
|                           | ) | EXCLUSION OF TIME             |
| JAMES KUANG and           | ) |                               |
| PHILIP KUANG,             | ) |                               |
|                           | ) |                               |
| Defendants.               | ) |                               |

The United States of America, by and through Joseph Russoniello, United States Attorney for the Northern District of California, and Kyle F. Waldinger, Assistant United States Attorney, and the defendant James Kuang, through his attorney Daniel L. Barton, and the defendant Philip Kuang, through his attorney Douglas Horngrad, hereby stipulate and agree that the status hearing presently set in this matter for June 12, 2009, may be continued to Friday, July 17, 2009, at 9:00 a.m.

The parties further stipulate that the time between June 12, 2009 and July 17, 2009 should be excluded under the Speedy Trial Act, 18 U.S.C. § 3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

STIP. & [PROPOSED] ORDER SETTING DATES &  
DOCUMENTING EXCLUSION OF TIME [CR 09-0080 DLJ ]

Finally, the parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of the public, and the defendant in a speedy trial and in the prompt disposition of cases. 18 U.S.C. § 3161(h)(7)(A).

This stipulation is entered into for the following reasons: (1) the government has provided defense counsel with a large volume of discovery related to this case; (2) defense counsel needs additional time to review the discovery, consult with their clients, and research and investigate issues related to the defense of this case; and (3) the granting of this continuance will facilitate further discussions that may result in a negotiated disposition of the charges.

The parties further inform the Court that they have been engaged in plea negotiations with the intention of arriving at a global resolution of this matter by the time of the requested appearance on July 17, 2009.

For the foregoing reasons, it is respectfully requested that the status hearing be continued to July 17, 2009, at 9:00 a.m., and the time between June 12, 2009 and July 17, 2009 be excluded under the Speedy Trial Act.

JOSEPH P. RUSSONIELLO  
United States Attorney

Dated: \_\_\_6/9/09\_\_\_

\_\_\_\_\_/s/\_\_\_\_\_  
Kyle F. Waldinger  
Assistant United States Attorney

NOLAN, ARMSTRONG & BARTON LLP

Dated: \_\_\_6/9/09\_\_\_

\_\_\_\_\_/s/\_\_\_\_\_  
Daniel L. Barton  
Attorney for Defendant James Kuang

Dated: \_\_\_6/9/09\_\_\_

\_\_\_\_\_/s/\_\_\_\_\_  
Douglas Horngrad  
Attorney for Defendant Philip Kuang

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## ORDER

Based on the facts set out above, the Court finds that, taking into account the public interest in the prompt disposition of criminal cases, granting a continuance until July 17, 2009, is necessary based on the need for effective preparation of defense counsel. See 18 U.S.C. § 3161(h)(7)(B)(iv). Given these circumstances, the Court finds that the ends of justice served by excluding the period from June 12, 2009, to July 17, 2009, outweigh the best interest of the public and the defendants in a speedy trial. Id. § 3161(h)(7)(A). Accordingly, the Court sets a status hearing in this matter for July 17, 2009, and orders that the period from June 12, 2009, to July 17, 2009, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(7)(B)(iv).

IT IS SO ORDERED.

Dated: June 10, 2009



The Honorable D. Lowell Jensen  
United States Senior District Judge